

REMARKS

Status of the claims

Claims 11 and 25-35 are pending in the application. Support for new claims 25-35 can be found at least in Examples 1X to 10X found on pages 219-231 of the specification. No new matter is added with the new claims.

Rejections under 35 U.S.C. §112, 2nd paragraph

Claims 1-11 and 20-22 have been rejected under 35 U.S.C. §112, 2nd paragraph as being unclear with regard to terms “therapeutic” and “hydrate”. The amendments to the claims render these rejections moot. As such, withdrawal thereof is respectfully requested.

Rejections under 35 U.S.C. §112, 1st paragraph

Claims 1-11 and 20-22 have been rejected under 35 U.S.C. §112, 1st paragraph for lacking adequate written description for “hydrates”. Claims 20-22 have been further rejected under 35 U.S.C. §112, 1st paragraph for lacking enablement for the treatment of diseases associated with CRF generally or preventing specific diseases. The amendments to the claims render this rejection moot. As such, withdrawal thereof is respectfully requested.

Rejections under 35 U.S.C. §102(e)

Claims 1 and 2 have been rejected under 35 U.S.C. §102(e) as being anticipated by the compounds listed on pages 10-27 of the office action, and disclosed by Fu (U.S. Patent No.

7,151,109 B2) or Hibi (U.S. Patent No. 7,091,215). Claims 1 and 2 have been cancelled, thus rendering this rejection moot.

Obviousness-type double patenting rejection

Claims 1-11 have been rejected under the judicially created doctrine of obviousness-type double patenting as being obvious over claims 1-23 of USP 7,091,215. Applicants traverse this rejection and withdrawal thereof is respectfully requested.

The instant claims have been amended to be directed to inorganic or organic salts of one specific compound, i.e. *N*-cyclopropylmethyl-*N*-7-[2,6-dimethoxy-4-(methoxymethyl)phenyl]-2-ethylpyrazolo[1,5-*a*]pyridin-3-yl-*N*-tetrahydro-2*H*-4-pyranylmethylamine. The organic or inorganic salts of this specific compound are in no way suggested by the claims of the '215 patent. As such, withdrawal of rejection for obviousness-type double patenting is respectfully requested.

CONCLUSION

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez Reg. No. 48,501, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/524,662

Docket No.: 1056-0126PUS1

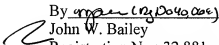
Art Unit 1625

Reply to Office Action of February 5, 2007

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: APR 19 2007

Respectfully submitted,

By  (28 Dec 2006)

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